UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,687	03/07/2000	John Dung-Quang Ly	14013-33US	9101

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EXAMINER
WON, YOUNG N

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 10/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07 March 2000</u> .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> .	6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-25 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kodimer et al. (US 6003078A).

INDEPENDENT:

As per claim 1, Kodimer teaches of a network device assembly (see Fig.2) employed in a communication system (see Fig.1 and col.2, lines 17-19) comprising: a plurality of network devices (see Fig.1) able to communicate network information (see abstract) through a packet switching to a technical support center (see col.1, lines 56-57: "service organization" and col.2, lines 2-5) operated by technical support staff (see col.13, lines 26-28: "network administrator"), each of the plurality of network devices including one or more hardware subsystems and one or more software subsystems and for monitoring the status of the hardware and software subsystems (inherency) included therein so that when a problem occurs with respect to one or more of the hardware and software subsystems of a particular one of the plurality of the network devices, the particular network device sends a first message to the technical support center notifying the technical support center of the problem (see abstract and col.1, line 63 to col.2, line 5).

As per claim 12, Kodimer teaches a network device (see Fig.2) for use in communication with a technical support center (see col.1, lines 56-57: "service organization" and col.2, lines 2-5) operated by a technical support staff (see col.13, lines 26-28: "network administrator"), the technical support center being in communication with the network device (see Fig.1) through a packet switching network (see col.2, lines 17-19 and col.3, line 65 to col.4, line 2), comprising: one or more hardware subsystems (see Fig.4); one or more software subsystems (inherency; see col.1, lines 28-32; and col.12, lines 10-12); and means for monitoring the status of the hardware and software subsystems so that when a problem occurs with respect to one or more of the hardware

and software subsystems of the network device, the network device transmits a first message to the technical support center to notify the technical support center of the problem (see abstract and col.1, line 63 to col.2, line 5).

As per claims 24 and 25, Kodimer teaches a method and a computer readable medium having stored therein computer readable program code comprising instructions (see Fig.3 and col.4, line 59), for detecting a problem in a network device (see abstract; Fig.19; and col.12, lines 34-36) comprising: during the operation of the network device (see abstract), able to communicate network information through a packet switching network to a technical support center (see col.1, lines 56-57: "service organization" and col.2, lines 2-5) being operated by a technical support staff (see col.13, lines 26-28: "network administrator"), the network device including one or more hardware subsystems (see Fig.4) and one or more software subsystems, monitoring the status of the hardware and software subsystems (inherency; see col.1, lines 28-32; and col.12, lines 10-12); detecting the occurrence of a problem associated with one or more of the hardware and software subsystems of the network device (see abstract; Fig.19; and col.12, lines 34-36); and sending a first message to the technical support center for notification of the problem so that the technical support staff is able to diagnose the problem without interruption to the operation of the network device (see abstract and col.1, line 63 to col.2, line 5).

DEPENDENT:

As per claims 2 and 14, Kodimer further teaches wherein the first message is in the form of an email message (see col.13, lines 26-28).

As per claims 3 and 15, Kodimer further teaches wherein the first message is in the form of a fax transmission (see col.1, lines 16-19).

As per claims 4 and 16, Kodimer further teaches wherein the first message is in the form of a page (see Fig.16).

As per claim 5, Kodimer further teaches including a processor for executing embedded software for monitoring the status of the hardware and software subsystems (see Fig.2, #22).

As per claims 6 and 17, Kodimer further teaches wherein the packet switching network is the Internet (see col.1, lines 54-58).

As per claim 7, Kodimer further teaches of including a computer register for indicating the status of the hardware and software subsystems immediately before the problem (see col.12, lines 59-62).

As per claim 8, Kodimer further teaches wherein the computer register includes error messages (see col.1, line 15) for identifying a particular hardware or software subsystem failure (see Fig.19 and col.12, lines 34-40).

As per claims 9 and 19, Kodimer further teaches wherein each of the plurality of network devices includes a remote diagnostic embedded process subsystem (see Fig.17), a hardware health status monitor subsystem and a software health status monitor subsystem, the remote diagnostic embedded process subsystem for communicating with the hardware health status monitor subsystem and a software health status monitor subsystem and for collecting status information provided by the software health status monitor subsystem and the hardware health status monitor

subsystem and for detecting problems encountered by the hardware and software

subsystems (see col.1, line 63 to col.2, line 5).

As per claims 10 and 22, Kodimer further teaches wherein the plurality of

network devices is responsive to a second message generated by the technical support

center for requesting further information regarding the problem (see Fig.18. steps

S1801-S1806 and col.14, lines 3-5).

As per claims 11 and 18, Kodimer further teaches wherein at least one of the

plurality of network devices is an access server (see abstract: "network peripheral

device").

As per claim 13, Kodimer further teaches wherein the technical support staff is

able to diagnose the problem without interruption to the operation of the network device

(see Fig.16, #184; Fig.17; and col.10, lines 25-31).

As per claim 20, Kodimer further teaches wherein the remote diagnostic

embedded process subsystem detects an error message (see col.1, line 15) prior to the

transmission of the first message (see Fig.19 and col.12, lines 34-40).

As per claim 21, Kodimer further teaches wherein the remote diagnostic

embedded process subsystem detects certain criteria (see col.1, lines 47-53) regarding

the status of the network device prior to the transmission of the first message (see

Fig.19 and col.12, lines 34-40).

As per claim 23, Kodimer further teaches wherein the network device is in

communication with a user and further wherein the technical support center includes an

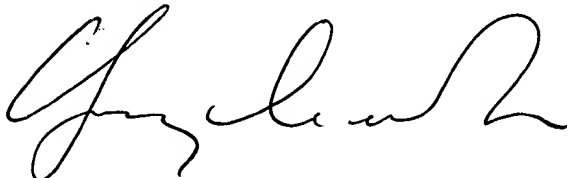email server (inherency) coupled to a command-formatter for communicating with a

user interface, the email server for collecting the first message (see col.13, lines 26-28),

the command-formatter for translating the first message into a format that is

understandable to the user and the user interface for displaying information

communicated between the network device and the user (see Fig.12; col.5, lines 12-22;

col.6, line 61 to col.7, line 2; and col.10, lines 64-67).

3.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Young N Won whose telephone number is 703-605-

4241. The examiner can normally be reached on M-Th: 8AM-6PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

        Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

Young N Won

September 23, 2003

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER